

FILED
IN CLERKS OFFICE
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
2015 JUN 8 PM 1 28

SARA WILSON CELONA
Plaintiff

v.

DAVID J. SCOTT, in his official capacity as
Pepperell Chief of Police
Defendant

U.S. DISTRICT COURT
DISTRICT OF MASS.

Civil Action No: 1:15-CV-11759-DJC

ANSWER

Edward J. Richardson, undersigned, Town Counsel for the Town of Pepperell, Middlesex County, Massachusetts, appearing on behalf of the Defendant David J. Scott, in his official capacity as Pepperell Chief of Police, in answer to the Complaint herein states as follows:

SUMMARY

Statement of case, no answer required.

THE PARTIES

1. Admitted.
2. Admitted.

JURISDICTION AND VENUE

3. Statement of jurisdiction, no answer required.
4. Statement of venue, no answer required.

STATEMENT OF FACTS

5. Denies knowledge and information sufficient to form a belief as to the allegations of this paragraph.
6. Denies knowledge and information sufficient to form a belief as to the allegations of this paragraph.
7. Denies knowledge and information sufficient to form a belief as to the allegations of this paragraph.
8. Denies knowledge and information sufficient to form a belief as to the allegations

of this paragraph.

9. Admitted.
10. Denies knowledge and information sufficient to form a belief as to the allegations of this paragraph.
11. Admitted.
12. Admitted.
13. Admitted.
14. Admitted.
15. Admitted.
16. Denies knowledge and information sufficient to form a belief as to the allegations of this paragraph and it calls for a legal conclusion.
17. Admitted insofar as it pertains to convictions in the Commonwealth of Massachusetts.
18. Admitted.
19. Denies knowledge and information sufficient to form a belief as to the allegations of this paragraph.
20. Admitted insofar as it pertains to a letter from the Vermont Superior Court dated March 26, 2014 but denies the remainder of this paragraph.
21. Denied but states further that the defendant relied on records from the National Criminal Information Center (NCIC).
22. Denied.
23. Denied but states further that the defendant relied on records from the National Criminal Information Center (NCIC).
24. Admitted.
25. Denies knowledge and information sufficient to form a belief as to the allegations of this paragraph.
26. Admitted.
27. Statement of legal conclusion, no answer required.
28. Admitted insofar as it recites a part of U.S. Const Amend V.
29. Statement of legal conclusion, no answer required.

30. Statement of legal conclusion, no answer required.

31. Statement of legal conclusion, no answer required.

Defendants's Regulatory Scheme

32. Admitted.

33. Admitted.

34. Admitted.

35. Denies knowledge and information sufficient to form a belief as to the allegations of this paragraph.

36. Admitted.

37. Admitted.

38. Admitted.

39. Admitted.

40. Admitted.

41. Denied.

COUNT I

42. Defendant restates and re-alleges his answers to paragraphs of the Complaint 1 through 41 as if fully set forth herein.

43. Denied.

44. Denied.

COUNT II

45. Defendant restates and re-alleges his answers to paragraphs of the Complaint 1 through 44 as if fully set forth herein.

46. Denied.

47. Denied.

COUNT III

48. Defendant restates and re-alleges his answers to paragraphs of the Complaint 1 through 47 as if fully set forth herein.

49. Denied.

50. Denied.

COUNT IV

- 51. Defendant restates and re-alleges his answers to paragraphs of the Complaint 1 through 50 as if fully set forth herein.
- 52. Denied.
- 53. Denied.

FOR A FIRST DEFENSE

- 1. The Plaintiff failed to exhaust her remedies to seek certiorari in the Massachusetts Superior Court of the adverse decision in the District Court pursuant to MGL ch. 231, sec. 97.

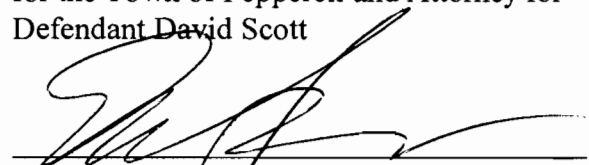
FOR A SECOND DEFENSE

- 1. Plaintiff has not pleaded any action which would entitle her to an award of attorney's fees under 42 U.S.C. §1988.

WHEREFORE, Defendant requests that the above entitled action be dismissed with costs.

Dated: June 5, 2015

Respectfully Submitted, by the Town Counsel
for the Town of Pepperell and Attorney for
Defendant David Scott




Edward J. Richardson, Esq.
BBO# 419040

Leahy and Richardson
339 Washington Street, Suite 203
Dedham MA 02026
Tel: (781)326-8331
Fax: (781)326-0355
E-mail: ejr339@verizon.net

CERTIFICATE OF SERVICE

Edward J. Richardson, undersigned, hereby certifies that, on June 5, 2015, he served the within Answer on the Plaintiff by mailing a true copy of the same to her attorney of record:

J. Steven Foley, Esq.
Law Office of J. Steven Foley
100 Pleasant Street #100
Worcester MA 01609



Edward J. Richardson